

JS 44 (Rev. 09/11)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

ANTHONY FAHME

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Hays

(c) Attorneys (Firm Name, Address, and Telephone Number)

Adam J. Fishbein, P.C., 483 Chestnut Street, Cedarhurst, NY 11516  
76-791-4400 tel., 516-791-4411 fax fishbeinadamj@gmail.comDEFENDANTS IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

CAINE &amp; WEINER COMPANY, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED

LONG ISLAND OFFICE

Attorneys (If Known)

CV-12 4517

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question

(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF  
☐ 1 ☐ 1Incorporated or Principal Place  
of Business in This StatePTF DEF  
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2Incorporated and Principal Place  
of Business in Another State☐ 5 ☐ 5Citizen or Subject of  
Foreign Country

Foreign Nation

☐ 6 ☐ 6

JOHNSON, J.

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

## CONTRACT

- ☐ 110 Insurance  
☐ 120 Marine  
☐ 130 Miller Act  
☐ 140 Negotiable Instrument  
☐ 150 Recovery of Overpayment  
 & Enforcement of Judgment  
☐ 151 Medicare Act  
☐ 152 Recovery of Defaulted  
 Student Loans  
 (Excl. Veterans)  
☐ 153 Recovery of Overpayment  
 of Veteran's Benefits  
☐ 160 Stockholders' Suits  
☐ 190 Other Contract  
☐ 195 Contract Product Liability  
☐ 196 Franchise

## TORTS

## PERSONAL INJURY

- ☐ 310 Airplane  
☐ 315 Airplane Product  
 Liability  
☐ 320 Assault, Libel &  
 Slander  
☐ 330 Federal Employers'  
 Liability  
☐ 340 Marine  
☐ 345 Marine Product  
 Liability  
☐ 350 Motor Vehicle  
☐ 355 Motor Vehicle  
 Product Liability  
☐ 360 Other Personal  
 Injury  
☐ 362 Personal Injury -  
 Med. Malpractice

## PERSONAL INJURY

- ☐ 365 Personal Injury -  
 Product Liability  
☐ 367 Health Care/  
 Pharmaceutical  
 Personal Injury  
 Product Liability  
☐ 368 Asbestos Personal  
 Injury Product  
 Liability  
**PERSONAL PROPERTY**  
☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal  
 Property Damage  
☐ 385 Property Damage  
 Product Liability

## FORFEITURE/PENALTY

- ☐ 625 Drug Related Seizure  
 of Property 21 USC 881  
☐ 690 Other

## BANKRUPTCY

- ☐ 422 Appeal 28 USC 158  
☐ 423 Withdrawal  
 28 USC 157

## PROPERTY RIGHTS

- ☐ 820 Copyrights  
☐ 830 Patent  
☐ 840 Trademark

## LABOR

- ☐ 710 Fair Labor Standards  
 Act  
☐ 720 Labor/Mgmt. Relations  
☐ 740 Railway Labor Act  
☐ 751 Family and Medical  
 Leave Act  
☐ 790 Other Labor Litigation  
☐ 791 Empl. Ret. Inc.  
 Security Act

## SOCIAL SECURITY

- ☐ 861 HIA (1395ff)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSID Title XVI  
☐ 865 RSI (405(g))

## FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff  
 or Defendant)  
☐ 871 IRS—Third Party  
 26 USC 7609

## OTHER STATUTES

- ☐ 375 Fals. Claims Act  
☐ 400 Stat. Reapportionment  
☐ 410 Antitrust  
☐ 430 Banks and Banking  
☐ 440 Insurance  
☐ 470 Racketeer Influenced and  
 Corrupt Organizations  
☒ 480 Consumer Credit  
☐ 490 Cable/Sat TV  
☐ 850 Securities/Commodities/  
 Exchange  
☐ 890 Other Statutory Actions  
☐ 891 Agricultural Acts  
☐ 893 Environmental Matters  
☐ 895 Freedom of Information  
 Act  
☐ 896 Arbitration  
☐ 899 Administrative Procedure  
 Act/Review or Appeal of  
 Agency Decision  
☐ 950 Constitutionality of  
 State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1692 Fair Debt Collection Practices Act

Brief description of cause:

Deceptive practices

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/06/12

SIGNATURE OF ATTORNEY OF RECORD

CLERK'S OFFICE USE ONLY

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a statement to the contrary is filed.

I, Adam J. Fishbein, counsel for Plaintiff(s), do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☐ monetary damages sought are in excess of \$150,000, exclusive of interest and costs.
- ☐ the complaint seeks injunctive relief.
- ☒ the matter is otherwise ineligible for the following reason  
**Class Action Suit**

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

Am I currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes

☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes

(If yes, please explain)

☒ No

I certify the accuracy of all information provided above.

Signature: \_\_\_\_\_